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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,501	12/20/2001	Niko Eiden	442-010744-US(PAR)	1992
2512	7590	02/07/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,501

Applicant(s)

EIDEN ET AL.

Examiner

Un C Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 8/13/2004 was filed after the mailing date of the Application #10/027,501 on 12/20/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as

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to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "at least three", and the claim also recites "at least two" which is the narrower statement of the range/limitation and claim 19 recites the broad recitation "at least three", and the claim also recites "at least one" which is the narrower statement of the range/limitation.

Claim Objections

5. Claim 16 is objected to because of the following informalities:

Regarding claim 16, the claim recites "The method of claim 15, ...". It refers to a cancelled claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 6 – 14, 16, 18 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al. (US 6,441,721) in view of O'Dea et al. (5,511,232).

Regarding claim 1, Tajima discloses a method for establishing a group of at least two wireless terminals for wireless group communication between the at least two wireless terminals, comprising the steps of bringing the users of the at least two wireless terminals into a physical contact, detecting the physical contact between the users of the at least two wireless terminals (bringing the users of the at least two bracelet-type data transmitter/receiver into a physical contact (Tajima, Fig. 5, 200(400)) and detecting the physical contact between the users of the at least two bracelet-type data transmitter/receiver (First embodiment, Tajima, Col. 3, lines 38 through Col. 6, line 19).

However, Tajima does not specifically disclose establishing the group of the at least two wireless terminals for group communication over a wireless link between the at least two wireless terminals of the established group wherein said group comprises at least three wireless user terminals. In an analogous art, O'Dea discloses establishing the group of among wireless terminals for group communication over a wireless link among wireless terminals (establishing radio talk group among the group and other transceivers over a communication channel, Fig. 1, O'Dea, Col. 2, lines 31 – 62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of O'Dea to the system of Tajima in order to provide

configurable group talk capability, without the need for infrastructure support, or expensive programming tools so that the wireless group can provide multiple terminals to form a group communication and enabling more terminals to join the group communication, if it was done with two people having physical contact to transfer information between the two, the concept of group talk is well known in the art, therefore, there should not be any problem in bringing another person so that the information is transferred to that person as well. Therefore, expanding the addition of more users to the physical contact would have been obvious to one of ordinary skill in the art.

Regarding claim 6, Tajima in view of O'Dea as applied to claim 1 above discloses transferring a signal via said physical contact between the users wearing the bracelet-type data transmitter/receiver device (Tajima, Col. 6, lines 15 – 19).

Regarding claim 7, Tajima in view of O'Dea as applied to claim 1 above discloses generating signal in one of the bracelet-type transmitter/receiver, transmitting said generated signal to the body of a first user, the first user being the user of the signal generating bracelet-type transmitter/receiver, and further to the body of a second user being physically connected to the first user and detecting the transmitted signal in the bracelet-type data transmitter/receiver device of the second user (Fig. 5, Tajima, Col. 6, 15 – 19).

Regarding claim 8, Tajima in view of O'Dea as applied to claim 1 above discloses that the signal is a 2 MHZ frequency signal (Tajima, Col. 4, lines 10 – 14).

Regarding claim 9, Tajima in view of O'Dea as applied to claim 1 above discloses disclose that the signal frequency ranges from 2 – 30 MHZ (Tajima, Col. 7, lines 50 – 66). However, Tajima in view of O'Dea as applied to claim 1 above does not specifically disclose the signal frequency being less than 1 megahertz. Using a specific frequency is a matter of design choice.

Regarding claim 10, Tajima in view of O'Dea as applied to claim 1 above discloses the signal includes at least an attribute data such as information plate's ID data (Tajima, Col. 4, lines 5 – 8).

Regarding claim 11, Tajima in view of O'Dea as applied to claim 1 above discloses that physical contact includes one of a handshake (Tajima, Fig. 5) and any other contact between the users allowing a signal to pass between the users (Tajima, Col. 6, 15 – 19 and Fig. 5).

Regarding claim 12, Tajima in view of O'Dea as applied to claim 1 above discloses confirming the establishments of said talk group configuration process by transmitting the radio talk group identifier to slave transceivers (O'Dea, Col. 4, lines 18 – 28).

Regarding claim 13, Tajima in view of O'Dea as applied to claim 1 above discloses a bracelet-type data transmitter/receiver device (Fig. 5) comprising a radio transmitter (Fig. 2, 400 and Fig. 5, 400)/receiver (Fig. 3, 200 and Fig. 5,

200) and a contact point (Fig. 2, 401 and Fig. 3, 201) (Tajima, Col. 3, line 66 through Col. 4, line 33).

Regarding claim 14, Tajima in view of O'Dea as applied to claim 1 above discloses that each bracelet-type data transmitter/receiver device has a contact electrode (Fig. 2, 401 and Fig. 3, 201) for generating and transmitting said signal in to the body of the user (Tajima, Col. 4, lines 52 – 57 and Col. 5, lines 20 – 23).

Regarding claim 16, Tajima in view of O'Dea as applied to claim 1 above discloses that the physical contact is a chain contact where one of the users is physically connected to a second one of the users (Tajima, Col. 4, lines 52 – 57 and Col. 5, lines 20 – 23). As it has been explained above in claim 1, expanding the addition of more users to the physical contact would have been obvious to one of ordinary skill in the art.

Regarding claim 18, Tajima in view of O'Dea as applied to claim 1 above discloses that while the users are in the physical contact, each user is also in contact with an electrode further having a connection with the bracelet-type data transmitter/receiver device of each respective user (Fig. 5) (Tajima, Col. 4, lines 52 – 57, Col. 5, lines 20 – 23 and Col. 6, 15 – 19).

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 20, the claim is interpreted and rejected for the same reason as set forth in claim 13

Regarding claim 21, the claim is interpreted and rejected for the same reason as set forth in claim 14.

Regarding claim 22, Tajima in view of O'Dea as applied to claim 1 above discloses that the bracelet-type data transmitter/receiver device further comprises a controller (Fig. 2, 408) to trigger transmission of a signal to the body of the user when in said physical contact (Tajima, Col. 58 – 63).

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 9.

8. Claims 2 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima in view of O'Dea as applied to claim 1 above, and further in view of Arazi et al. (US 6,430,395).

Regarding claim 2, Tajima in view of O'Dea as applied to claim 1 above does not specifically disclose the step of detecting a vicinity of the at least two wireless terminals using wireless communication. In an analogous art, Arazi discloses that Personal Area Network (PAN) devices such as handset supports standard cellular communication, and also has the ability to communicate with personal area network devices that are in its near vicinity, using short-range

communication (Arazi, Col 2, lines 20 – 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Arazi to the modified system of Tajima and O'Dea to provide a technique for allowing mobile units such as standard cordless telephone handsets, laptop or notebook computers or similar devices that support wireless communication to seamlessly connect to a Wireless Private Branch Exchange or to a cellular telephone network, thereby avoiding the use of special handsets or attachments or software or hardware agents.

Regarding claim 3, Tajima in view of O'Dea and further in view of Arazi as applied to claim 2 above discloses entering the radio transceivers into a group creation mode. Moreover, Tajima as modified by O'Dea also teaches that the group information is exchanged among the transceivers (O'Dea, Col. 2, lines 31 – 43).

Regarding claim 4, Tajima in view of O'Dea and further in view of Arazi as applied to claim 2 above discloses that the master transceiver transmits the group information, which initiates the process and the talk group creation (O'Dea, Col. 2, lines 31 – 43).

Regarding claim 5, Tajima in view of O'Dea and further in view of Arazi as applied to claim 2 above discloses the user (Fig. 1, 100) wearing the bracelet-type device (Fig. 1, 200) performing an action of touching a contact point (electrode) (Fig. 1, 401) (Tajima, Col. 4, lines 45 – 47) and enabling group mode

configuration of radio transceivers by turning on an on/off switch (O'Dea, Fig. 1, 125) (O'Dea, Col. 2, lines 44 – 62).

Response to Arguments

9. Applicant's arguments with respect to claims 1 – 14, 16, 18 – 25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schultz (US 5,471,646) discloses method for establishing a user defined radio talk group in a trunked radio communication system.

Coppersmith et al. (US 5,796,827) discloses a system and method for near-field human-body coupling for encrypted communication with identification cards.

McAllister (US 6,104,913) discloses a personal area network for personal telephone services.

Fukumoto et al. (US 6,223,018) discloses intra-body information transfer device.

Callaway, Jr. et al. (US 6,275,500) discloses a method and apparatus for dynamic control of talk groups in a wireless network.

Zimmerman et al. (US 6,542,717) discloses a system and method for optimizing personal area network electrostatic communication.

Tang et al. (US 6,347,095) discloses a system, devices and methods for use in proximity-based networking.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703) 305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ELISEO RAMOS-FELICIANO 2/2/05
PATENT EXAMINER

Un C Cho
Examiner
Art Unit 2687